

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 9, 1999 at the Lexington Municipal Building, 406 East 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills, Chris Huff. Representing Miller and Associates was Dana Daniels, Stan Jensen, and Bob Blankenship. Citizens in attendance were Patti Johnson, Randy Chapman, Deaetta Hartman, Manuel Rios, Bruce Bonini, Roger Reutlinger. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, and the Kearney Hub.

**NOTICE:** Notice of the meeting was given in advance, thereof by publication in the Lexington clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the Council, and a copy of their Acknowledgment of Receipt of Notice and the Agenda is attached to these Minutes. Availability of the Agenda was communicated in advance notice and in the notice to the Mayor and Council of this Meeting. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

**CALL TO ORDER:** The meeting was called to order by Mayor Fagot.

**MINUTES - REGULAR MEETING - 2-23-99:** Minutes of the Regular Council Meeting held February 23, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Regular Meeting held February 23, 1999 as presented. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$570,398.35 was presented for Council's consideration and approval. Upon the review of the claims and bills as listed, moved by Klamm, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$108,378.15 from the General Fund, \$441,917.25 from the LEXUS fund, \$10,000 from City Sanitation, \$10.19 from the Landfill fund, \$7,730.47 from Meals on Wheels Fund, \$2,362.29 from the Health Fund, to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl with the exception of Mr. Automotive, Cook, Wightman, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
MARCH 9, 1999 COUNCIL

ACE EQUIP. & SUPPLY CO.	GUTTER BROOMS	1,018.50
ALIANI CELLULAR	FEBR. CELLULAR CHARGES	125.47
AWARDS PLUS	TOURNAMENT AWARDS	240.00
BARMORE'S	CASSETTE AND DUB FEE	9.98
BEE OFFICE SOLUTIONS	LABELS	19.28
BERNTSON OIL	DIESEL, GAS, AND OIL	1,899.67

BEST WESTERN AIRPORT INN	ROOM EXPENSE	54.23
BOYER, ROGER	ELECTRIC REBATE	1,200.00
BRICKER, VANCE	LEAGUE CONFERENCE	88.10
BROWN, HAROLD	TOOL ALLOWANCE	50.00
BUSINESS & PROF CREDIT	UTILITY COLLECTIONS	138.48
C&S TRUCK & SALVAGE INC.	MASTER CYLINDER	160.88
C.B.S.A.	INSURANCE PREMIUMS	7,786.30
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	2,116.09
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	716.74
CENTRAL GARAGE FUND	LBR, PARTS, TIRES, GAS & OIL	8,949.97
CENTRAL TIRE AND TREAD	TIRE REPAIRS	20.00
CENTURY LUMBER CENTER	LUMBER AND MATERIALS	409.74
CLINE'S SMALL ENG REPAIR	RADIATOR REPAIR	40.00
COAST TO COAST	SUPPLIES	57.11
COUNTRY	MAGAZINE RENEWAL	19.97
CORNHUSKER HOTEL, THE	ROOM EXPENSE	771.01
COUNTRY GENERAL	PARTS AND SUPPLIES	112.51
COZAD SERVICE	PIPE AND PARTS	146.89
CULLIGAN WATER COND CO.	WWTP WATER TREATMENT	30.00
DAN'S SANITATION	SOLID WASTE FEES	10,369.00
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON CO PUBLIC POWER	FEBR ELECTRIC SERVICE	316.38
D & R COMPUTING	COMPUTER MOUSE	12.19
DUTTON-LAINSON COMPANY	ELECTRICAL FITTINGS	349.22
EAKE'S OFFICE PRODUCTS	OFC SUPPLIES/COPIER PMT	603.15
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	53.14
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,448.47
EUSTIS BODY SHOP	REPAIR FORD PICKUP	1,118.88
FAGOT REFRIG & ELECTRIC	ELECTRICAL REBATE	570.00
FAGOT REFRIG & ELECTRIC	WELL & PUMP SUPPLIES	686.95
FAIRBANKS INT, INC.	SUPPLIES	27.86
FIVE STAR FLOORING	VERTICAL BLINDS - WWTP	475.00
FLOOR SHINE	RESTORE FLRS - FIRE DEPT	65.00
FRIEND TRUCK EQUIP, MATT	PARTS	60.46
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	207.77
GFOA	PUB UPDATES & REVIEWS	150.95
HAAS, T.O., TIRE CO., INC.	TIRES AND TIRE REPAIR	1,013.28
HIPP WHOLESALE COMPANY	SUPPLIES	68.47
HUFF, CHRIS	TRAVEL EXP- REPUB CITY	42.60
HUSKER AG SALES	BELT AND GEAR	14.79
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	191.46
JELCO CARPET CLEANING	CLEAN CARPET/CITY HALL	85.00
JORDENING, GENICE R.	HISTORIC D.C. MAP	65.00
JONES PLUMBING & HEATING	WWTP & WATER SUPPLIES	479.29
K.R.V.N. - FM	CONTRACT #2287501	132.00
KELLY SUPPLY COMPANY	COUPLING	68.24
KIRK'S NEBRASKALAND REST	BRICKER-IBP MTG EXPENSE	28.83
KNAPP ELECTRIC	SUPPLIES	1,038.18
KUMAR, SHAIL	ELECTRICAL REBATE	1,200.00
LEXINGTON ANIMAL CLINIC	FEBRUARY ANIMAL CARE	336.40
LEX AREA SOLID WST AGNCY	SOLID WASTE FEES	280.08
LEXINGTON COOP	CAR WASH	15.00
LEXINGTON HEALTH FUND	SELF-FUNDING	14,917.50
LEXINGTON LAUNDRY	FEBR LAUNDRY CHARGES	56.00
LEX NEWSPAPERS, INC.	FEBRUARY NOTICES	275.20

LEXINGTON POSTMASTER	UTILITY POSTAGE	750.00
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	43.64
LEXINGTON TRUCK & AUTO	BRAKE BOOSTER	158.10
LEXINGTON, CITY OF	MO FEES & FRANCH FEES	23,939.08
LEX CITY PAYROLL ACCOUNT	WAGES 25-Feb-99	71,601.71
SOCIAL SECURITY	SOC SEC(EMPLOYER PORT)	5,398.58
FIRST NATIONAL BANK	EMP PENS(EMPLOYER PORT)	2,206.66
AMERICAN FUNDS	POLICE PENS(EMPL PORT)	1,006.63
I.C.M.A.	EMP PENS(EMPLOYER PORT)	97.74
LYNN'S MOBILE CONC SRVC	USED SNOW PLOW/PUMP	250.00
MEAD/BIG VALLEY LUMBER	MISC. SUPPLIES	161.48
MEYER WELDING	SCRAP IRON	95.00
MIDWAY SUPPLY	PARTS AND SUPPLIES	130.21
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	2,100.00
MORRIS PR & OFC SUPPLIES	SUPPLIES	90.14
MOORE	CITATION BOOKS	416.67
MR. AUTOMOTIVE	NAVY GRAY PAINT	75.28
MOORE MEDICAL CORP.	OXYGEN TANK EMPTY	79.50
MUNICIPAL SUPPLY	INSERT	121.69
NEBRASKA DEPT OF REV	UTILITY BILLING TAXES	19,967.80
NE DEPT. OF HHS LAB	ANNUAL PERMIT FOR POOL	3.00
NE PUBLIC POWER DISTRICT	FEBRUARY POWER BILL	316,357.93
NEBRASKA SAFETY COUNCIL	MEMBERSHIP FEES	100.00
NEBRASKALAND MAGAZINE	ONE YEAR SUBSCRIPTION	16.00
NELSON, THOMAS R	FEBR CITY HALL CLEANING	500.00
OMAHA LIFE INSURANCE CO	FIREMAN INSURANCE	64.00
PATTY'S HALLMARK	OFFICE SUPPLIES	384.92
PALMER HOUSE HILTON	ROOM EXP -SEWARD - LIBR	143.63
PAULSEN INC.	CEMENT	949.70
PLATTE VALLEY COMMUN	MAINTENANCE AGREEMENT	90.00
PLUM CR MEDICAL GROUP	WORK COMP CLAIM	152.00
PLUM CREEK MOTORS	PARTS AND SUPPLIES	161.91
PLUM CREEK PROMOTIONS	DESIGNED SHIRTS- REC.	595.00
PLUM CR TELEPHONE SYS	PHONE REPAIR	150.00
PPCT MGT SYSTEMS, INC	MANUALS- DEFENSIVE	198.36
PRECISION INDUSTRIES	SEALS/BRG INSERTS	86.29
RANDY'S & BRIAN'S TOWING	TOWING CHARGES	50.00
REACH ELECTRONICS	BATTERY	38.00
RIMPLEY, TODD	ELECTRIC REBATE	1,400.00
S&W AUTO PARTS, INC.	PARTS AND SUPPLIES	580.92
SAFETY-KLEEN (PPM), INC	OIL ANALYSIS	15.00
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,201.45
SEWARD, JASON	FEBR LIBRARY CLEANING	200.00
SIGN PRO	ALUMALITE	197.28
SIXTH STREET MARKET	FOOD AND SUPPLIES	57.27
SUBWAY OF LEXINGTON	CIVIL SERVICE MEETING	22.21
TIME LIFE BOOKS	LIBRARY BOOKS	44.96
TRI-COUNTY HOSPITAL	REC. ADV BD MTG./DRUG SCR	46.00
TRAUTMAN'S MEAT CENTER	SPARE RIBS	65.91
U.S. FILTER/DISTR/OMAHA	METERS	726.16
U.S. WEST COMMUNICATIONS	PHONE CHARGES	1,700.68
VIKING OFFICE PRODUCTS	OFFICE SUPPLIES	152.24
VESSCO, INC	GREASE TUBE	81.46
WAL-MART	OFFICE SUPPLIES	249.15

WALKER ROOFING COMPANY	ROOF REPAIRS	64.00
WEBER & WEINHOLD	PROFESSIONAL SERVICES	1,771.50
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	1,440.54
ZEP MANUFACTURING CO	TOWELS	39.80
CULLIGAN WATER COND CO.	GGC WATER TREATMENT	46.50
DAWSON CO PUBLIC POWER	ELECTRICAL	791.95
GR PLAINS ONE-CALL SVC	LOCATES	47.19
GILLETTE/NE DAIRIES, INC	DAIRY	209.20
INGRAM LIBRARY SERVICES	BOOKS	559.49
KEEP LEXINGTON BEAUTIFUL	MEMBERSHIP	125.00
K N ENERGY, INC	ENERGY	2,200.83
LEXINGTON NEWSPAPER, INC	PUBLICATION FEES	220.00
MILLER & ASSOCIATES	PROF SERV. -ADAMS-283 LINK	13,440.00
MILLER & ASSOCIATES	PROF SERV. -WATER STUDY	24,200.00
MERIDIAN LIBRARY SYSTEM	CONFERENCE & SEMINARS	40.00
NEBRASKA LIBRARY ASSOC	DUES	100.00
PETTY CASH	REPLENISH	102.56
UPSTART	OFFICE SUPPLIES	101.81
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	768.63
U.S.WEST COMMUNICATIONS	FEBRUARY PHONE SERVICE	383.48
W P C I	DRUG SCREEN	54.20
	TOTAL CLAIMS	\$570,398.35

**STATUS REPORT:**

At this time, Mr. Dana Daniels presented a computer generated video program of the proposed routes of access to Highway 30 via the overpass on Adams Street. Six different options were presented to the Council, with routing the traffic on the north side of Adams Street through various residential areas, and non-residential areas, back to Highway 30. Upon completion of the report, moved by Wightman, seconded by Klamm, to accept the Status Report on the Overpass progress. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**PROGRESS PAYMENT:**

The Lexington City Council considered payment request No. 1, and final, from Midland Contracting for the work completed on the Madison Street Water Main Water Main under crossing. City Manager Bricker informed the Council that this project is complete, and was done by an RFP, as it was an emergency situation with the water main break under the rail road tracks at the Madison Street crossing. Upon completion of his report, and a verification from Mr. Dana Daniels, representing Miller and Associates, about the work being completed as stated on the pay estimate. Moved by Klamm, seconded by Kohl, that Application No. 1, and final, to Midland Contracting Inc. in the amount of \$44,400 be approved and authorize the City Treasurer to transfer \$44,400 from the water funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**CERTIFICATE OF SUBSTANTIAL COMPLETION:**

The Lexington City Council reviewed the Certificate of Substantial Completion for the Madison Street Water Main Under Crossing Project is complete and is useful by the City of Lexington. Upon the completion of his report, moved by Wightman, seconded by Klamm, to approve the Engineer's Certificate

of Substantial Completion in the amount of \$44,400. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**PUBLIC HEARING:**

The Lexington City Council held a public hearing to consider a request from Randy Chapman to rezone the property located at 911 North Adams Street from R-4 (multi-family housing) to C-3 (Highway commercial). Mr. Bruce Bonini addressed the Lexington City Council stating that he is the one who is really requesting the rezoning, although, Randy Chapman, does own that lot. His reason for the rezoning would be so he could sell cars off of that part of the lot, with the proper zoning. With the R-4 (multi-family housing), he would not be able to sell cars at that location. He further stated that Mr. Chapman is planning on building a building back there, but it would be within compliance. Upon completion of his presentation, and no further comments, Mayor Fagot declared the public hearing closed.

**ZONING ORDINANCE:**

An Ordinance entitled “AN ORDINANCE TO REZONE THE WEST 100 FEET OF THE EAST 200 FEET OF THE NORTH 140 FEET, OF BLOCK 1, MACCOLLS ADDITION TO THE CITY OF LEXINGTON, FROM R-4 MOBILE HOME DWELLING DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the Council. Hearing no objections to the previous public hearing, moved by Wightman, seconded by Klamm, that said ordinance be passed on first reading. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**FIRE DEPT. ROSTER:**

The Lexington City Council reviewed the roster of the Lexington Volunteer Fire Department containing approximately 36 names. Upon review of the roster, an explanation from the City Attorney, that the City Council, from time to time, should accept the roster of the Volunteer Fire Department, in case there is an injury claim, resulting from an injury, while they are fighting a fire. He further stated that the acceptance of this roster would give proof of membership so the insurance will cover them. Upon completion of the report from the City Attorney, moved by Wightman, seconded by Klamm, to accept the roster of the Lexington Volunteer Fire Department as presented. Roll call. Voting “aye” were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**FIRE DEPT. REQUEST:**

Mr. Roger Reutlinger, representing the Lexington Volunteer Fire Department, addressed the Lexington City Council, stating that they would like to have a pumper truck replaced in the department. Mr. Reutlinger stated that the new truck would be able to carry approximately 750 gallons of water vs. 500 gallons of water, and would allow the fireman an extended cab to sit inside as they travel to the fire. He further stated that this would replace a 1972 Dodge Pumper in the current list of equipment, which is now approximately the third truck down. Mr. Reutlinger further stated that the estimated cost of this new truck is between \$225,000 and \$250,000, and the salvage value of the 1972 Dodge, is approximately \$7,000 - \$10,000. Upon the completion of his request, Mr. Reutlinger was asked about the number of miles on this truck, to which he replied, there was approximately 16,000. He

was further asked if the lining of the tank, which supposedly was corroding, could be relined to repair the corroding. He further stated that this is possible, however, the piping and everything to the pump, and the hours on the motor, probably would not pay for the cost of refurbishing those items and equipment. After a discussion of the financing that was available to purchase this truck, the City Council informed Mr. Reutlinger that they would feel more comfortable if this truck was run through the budget process, versus, buying it without it being in the current budget. No further action was taken.

**POLICE DEPT. REPORT:**

Chief Charles Clark, of the Lexington Police Department, presented a report of the 1998 activities of the Lexington Police Department, pointing out various increases, or decreases, in certain areas with an explanation. Upon completion of his report, no further action was taken.

**LB 840 REVIEW:**

City Manager Bricker informed the council that Mayor Fagot had asked that this item be placed on the Agenda to discuss the possibility of funding economic development through property tax requirements. Various items were discussed, and a discussion of a draft plan was held. Upon completion of the discussion, Mayor Fagot announced that he would like Mr. Rick Klamm, and himself, sit on a committee to develop a plan for Economic Development of Lexington. Further discussion resulted in additional members of this committee being appointed, such as The City manager, members from the CED, Greater Lexington, and Dawson Area Development. Upon completion of the overall discussion of this item, moved by Klamm, and seconded by Wightman, that the City of Lexington further study lb840 and an economic development plan for the city of Lexington to include representation from all committies within the County that are appropriate to that. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

**AUDIT COMMITTEE REPORT:**

A report on the Fiscal Year 1997-98 Audit for the City of Lexington, financial operations was presented to the City Council, for their review. Upon completion of their review, moved by Klamm, seconded by Wightman, to accept the audit report as presented. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**STREET RECLASSIFICATION:**

Assistant City Manager Joe Pepplitsch addressed the Lexington City Council stating that the change in traffic patterns caused by the closing of Washington Street crossing need to be reclassified, so the State of Nebraska may update their records on the routing of traffic through Lexington. Upon completion of the report, moved by Wightman, seconded by Klamm, to accept the reclassification of streets in Lexington in accordance with the proposed plat. presented by Assistant City Manager Joe Pepplitsch, and filed with the State of Nebraska Department of Roads. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Wightman declared the meeting adjourned.

John Fagot

Mayor

Leon E. Malzahn  
City Clerk

I, the undersigned City Clerk for the City of Lexington, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk during regular business hours prior to said meeting; that the Minutes of the Mayor and Council of the City of Lexington, Nebraska, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Lexington City Clerk